

1 HEATHER E. WILLIAMS, SBN 122664
Federal Defender
2 CHRISTINA SINHA, SBN 278893
Assistant Federal Defender
3 Designated Counsel for Service
801 I Street, Third Floor
4 Sacramento, CA 95814
T: (916) 498-5700
5 F: (916) 498-5710

6 Attorneys for Defendant
WAYNE LEE HAUZER
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No. 2:22-CR-93-DAD-1
11)
Plaintiff,) **STIPULATION AND ORDER TO CONTINUE**
12) **STATUS CONFERENCE AND EXCLUDE TIME**
vs.)
13) Date: November 15, 2022
WAYNE LEE HAUZER,) Time: 9:30 A.M.
14) Judge: Hon. Dale A. Drozd
Defendant.)
15 _____)

16 IT IS HEREBY STIPULATED and agreed by and between United States Attorney Phillip
17 A. Talbert, through Assistant United States Attorney Shelley Weger, counsel for Plaintiff, and
18 Federal Defender Heather Williams, through Assistant Federal Defender Christina Sinha, counsel
19 for Mr. Hauzer, that the status conference, currently set for November 15, 2022, may be **continued**
20 **to January 17, 2023 at 9:30 a.m., with a time exclusion under Local Code T4 from November**
21 **14, 2022, through and including January 17, 2023.**

22 The parties hereby stipulate as follows:

23 1. By previous order, this matter was originally set for a status conference before the
24 Honorable Chief Judge Kimberly J. Mueller on November 14, 2022, with a time exclusion under
25 Local Code T4 up to and including November 14, 2022. ECF 23.

26 2. On August 25, 2022, the Honorable Chief Judge Kimberly J. Mueller reassigned
27 this case to the Honorable Judge Dale A. Drozd. ECF 24.
28

1 3. On September 1, 2022, in light of the Order of Reassignment, the Honorable Chief
2 Judge Kimberly J. Mueller sua sponte issued a minute order vacating the November 14, 2022 status
3 conference and resetting the matter for the a status conference on November 15, 2022, before the
4 Honorable Judge Dale A. Drozd.

5 4. Accordingly, the parties request that an exclusion of time under Local Code T4 run
6 from November 14, 2022, through and including January 17, 2023.

7 5. The parties specifically agree and further stipulate, and request that the Court find
8 the following:

9 a. The indictment in this matter was filed on April 28, 2022. ECF No. 14.

10 b. The government has produced discovery that consists of over 5,400 pages of Bates-
11 labeled items, which include investigative reports, search warrants, third party
12 records, and audio recordings of the defendant's statements. In addition, the
13 government has made physical evidence available for defense review at the FBI's
14 Roseville office. The physical evidence includes electronic devices, a firearm,
15 ammunition, and evidence that must stay in the possession of the government
16 pursuant to 18 U.S.C. § 3509(m). Although the defense has conducted an initial
17 review of the physical evidence, including reviewing some of the alleged child
18 pornography, the government recently obtained and produced a sanitized copy of
19 key evidence (with all material covered by 18 U.S.C. § 3509(m) removed) from a
20 cell phone extraction for the defense's further review. This 762-page extraction
21 was produced to defense counsel on October 21, 2022.

22 c. Since the start of the case, the defense has been reviewing and analyzing the above,
23 conducting legal research, meeting with Mr. Hauzer (who is in custody), consulting
24 with experts, and otherwise preparing for trial.

25 d. The above tasks are ongoing, and the defense requires additional time to review the
26 most recent discovery, analyze its impact on the case, continue its legal research,
27 explore potential resolutions, research potential pretrial motions, and otherwise
28

1 prepare for trial.

2 e. Accordingly, the defense respectfully requests to continue the status conference
3 (currently set for November 14, 2022) to January 17, 2023.

4 f. Defense counsel believes that failure to grant the requested continuance would deny
5 her the reasonable time necessary for effective preparation, taking into account the
6 exercise of due diligence.

7 g. The government does not object to the continuance.

8 h. Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial
10 within the original date prescribed by the Speedy Trial Act.

11 i. For the purpose of computing time under 18 U.S.C. § 3161 *et seq.* (the Speedy Trial
12 Act), the parties request that the time period between November 14, 2022 and
13 January 17, 2023, inclusive, be deemed excludable pursuant to 18 U.S.C.
14 § 3161(h)(7)(B)(iv) (Local Code T4), because, if granted, it would result from a
15 continuance granted by the Court at the defendant's request, based on a finding that
16 the ends of justice served by granting the continuance outweighs the best interest
17 of the public and Mr. Hauzer in a speedy trial.

18 6. Nothing in this stipulation and order shall preclude a finding that other provisions
19 of the Speedy Trial Act dictate that additional time periods are excludable from the period within
20 which a trial must commence.

21 IT IS SO STIPULATED.

22
23 Respectfully submitted,

24 HEATHER E. WILLIAMS
Federal Defender

25 Date: November 8, 2022

26 /s/ Christina Sinha
CHRISTINA SINHA
Assistant Federal Defender
Attorneys for Defendant
27 WAYNE LEE HAUZER
28

1 Date: November 8, 2022

PHILLIP A. TALBERT
United States Attorney

2
3 /s/ Shelley Weger
SHELLEY WEGER
4 Assistant United States Attorney
Attorneys for Plaintiff
5
6
7
8

9 **ORDER**

10 The Court, having received and considered the parties' stipulation, and good cause
11 appearing therefrom, adopts the parties' stipulation in its entirety as its order.
12

13 IT IS SO ORDERED.

14 Dated: November 9, 2022

Dale A. Drozd
UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28